

REMARKS

Status of the claims:

With the above amendments, claims 1 and 3-12 are amended and claim 2 has been canceled. Claims 1 and 3-12 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. The amendment to claim 1 has support at Test 2 on pages 29 and 30, page 30, line 3, page 31, line 13, and figures 1-8. All other amendments are simply for form. Reconsideration is respectfully requested in light of the following remarks.

Claim Objections

The Examiner objects to claims 3 and 6. Claim 3 is objected to for omitting the word "is". Applicants have amended claim 3 to address this objection. Applicants believe that with the amendment that the objection has been obviated. Withdrawal of the objection is respectfully requested.

With respect to claim 6, the Examiner objects to claim 6 for a failure to recite the word "is". Applicants have amended the claim as the Examiner suggests. Applicants believe that with the amendment that the objection has been obviated. Withdrawal of the objection is respectfully requested.

Rejections under 35 USC 112, second paragraph

Claims 1-12 are rejected under 35 USC §112, second paragraph as being indefinite. The Examiner rejects claims 1-12 for not reciting positive steps of the inventive method. Applicants have amended claim 1 to recite positive steps. Applicants believe that with the amendment to claim 1 that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

The Examiner also rejects claims 1-12 as being indefinite because of the term "pharmacokinetics". The Examiner states that the specification does not adequately define the term and its association with "membrane fluidity" and "circular dichroism". Applicants submit that one of skill in the art would know what is meant by the term pharmacokinetic parameters.

Attached to this response, Applicants herein submit a reference (Drug Actions, Basic Principles And Therapeutic Aspects, Mutschler, E. et al. Scientific Publishers, (1995) pp. 33-39) that shows that at the time of filing the application, one of skill in the art would know what is meant by pharmacokinetic parameters. In particular, as defined in the article, pharmacokinetic parameters include AUC, Clearance, AUMC and Elimination half-life. Accordingly, the term "pharmacokinetic parameter" can be considered neither vague nor

indefinite. Withdrawal of the rejection is warranted and respectfully requested.

Claim 2 is rejected as the Examiner asserts that it is unknown what is being evaluated. Claim 2 has been canceled so the rejection is moot. Withdrawal of the rejection is warranted and respectfully requested.

Claim 4 is rejected for the recitation of "the preparation step". Applicants have amended claim 4 so that it no longer contains this phrase. Withdrawal of the rejection is respectfully requested.

Claim 12 is rejected for reciting "in the form of endoplasmic reticulum". Applicants have amended claim 12 to recite "in endoplasmic reticulum". Applicants believe that with this amendment that the phrase can be considered neither vague nor indefinite. Withdrawal of the rejection is warranted and respectfully requested.

Conclusion

Applicants submit that the present application well describes and claims patentable subject matter. The favorable action of withdrawal of the standing rejections and allowance of the application is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact T. Benjamin Schroeder (Reg. No. 50,990) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petitions for one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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